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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,184	01/24/2005	Shinji Morimoto	2946-186	3659
6449 7590 12/17/2007 ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005			EXAMINER GEBREMICHAEL, BRUK A	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 12/17/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary

Application No.

10/522,184

Applicant(s)

MORIMOTO ET AL.

Examiner

Bruk A. Gebremichael

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/24/2005, 10/23/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The listing of references, *JP 9-131698* and *JP 8-166982*, in the Search Report are not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

Specification

2. The disclosure is objected to because of the following informalities: in line 24 of page 2, and in line 18 of page 3, there is a white space between the last two words.

Appropriate correction is required.

Claim Objections

3. Claims 1-3 are objected to because of the following informalities: in line 9 of claim 1, and in line 4 of claim 2, there is a white space between the last two words.

In addition, the phrase "judgement" in line 12 of claim 1 is believed to be in error for -- judgment --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "when the movement is evaluated possible" in line 13 of claim 1, in lines 8-9 of claim 2 and in line 6 of claim 3 render the claims indefinite as it is not clear whether this limitation is part of the claimed invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3714

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaiken 5,333,111 in view of Pomerleau 5,806,390 and further in view of Lundgren 4,833,957.

Regarding claim 1, Chaiken discloses the following claimed limitations: a device for automatic cutting machine having a cutting table (FIG 1, label 12) and a cutting area on the table for placing a sheet within the area (FIG 1, label 20), the teaching device, computing a position and a slope of the sheet to the cutting area (FIG 10), correcting marking data in accordance with the position and the slope of the sheet (col.7, lines 61-67), and cutting the sheet with corrected marking data (col.8, lines 8-17).

However, Chaiken does not explicitly disclose, designation of at least two teaching points on the sheet, judgement means for judging whether the cutting pattern is contained within the cutting area, after designation of the teaching points and the correction of the marking data, and subsidiary means for evaluating whether movement of the marking data or the sheet in position makes the cutting pattern within the cutting area, when the error is judged by the judgement means, and for correcting the marking data or the sheet relative to the cutting area, when the movement is evaluated possible.

Pomerleau teaches the designating two points when cutting a sheet material (col.4, lines 64-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Chaiken in view of Pomerleau

by selecting two points on the edge of the marker in order to align the marker as alignment is necessary for layups of tubular material or ornamental materials where cuts that do not have a specific orientation relative to the layup, as taught by Pomerleau.

Lundgren teaches, judgement means for judging whether the cutting pattern is contained within the cutting area, after designation of the teaching points and the correction of the marking data (col.6, lines 3-15), and subsidiary means for evaluating whether movement of the marking data or the sheet in position makes the cutting pattern within the cutting area, when the error is judged by the judgement means, and for correcting the marking data or the sheet relative to the cutting area, when the movement is evaluated possible (col.11, lines 15-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Chaiken in view of Pomerleau and further in view of Lundgren by incorporating a sensing unit in order to view the sheet close ahead of the cutting means, and a computer in order to shift the position of the cutting means in a direction and in a distance to compensate for some deviation so that the cutting means cut the strip along the selected line, as taught by Lundgren.

Regarding claim 2, Chaiken in view of Pomerleau and further in view of Lundgren teaches the claimed limitations as discussed above. Lundgren further teaches, that the cutting table is provided with a conveyor conveying the sheet along a longitudinal direction of the cutting area (col.3, lines 37-40), and that, when the error is judged by the judgment means, said subsidiary means computes a length of the cutting pattern extending out of an edge of the cutting area, evaluates

whether movement of the sheet in position makes the cutting pattern within the cutting area, and drives the conveyor at least by the length computed, when the movement is evaluated possible (col.3, lines 54-68 and col.4, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Chaiken in view of Pomerleau and further in view of Lundgren by implementing a measuring roll that gives an indication of the desired length of the sheet in order to stop the conveyor when this desired length of the sheet passes the cutting area, as taught by Lundgren.

Regarding claim 3, Chaiken in view of Pomerleau and further in view of Lundgren teaches the claimed limitations as discussed above. Lundgren further teaches, when the error is judged by the judgment means, the subsidiary means evaluates whether movement of the marking data in position makes the cutting pattern within the cutting area and corrects the marking data so as to confine the cutting pattern within the cutting area, when the movement is evaluated possible (col.11, lines 15-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Chaiken in view of Pomerleau and further in view of Lundgren by including a sensing unit in order to view the sheet close ahead of the cutting means, and a computer in order to shift the position of the cutting means in a direction and in a distance to compensate for some deviation so that the cutting means cut the strip along the selected line, as taught by Lundgren.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruk A. Gebremichael whose telephone number is (571)270-3079. The examiner can normally be reached on Monday to Friday (7:30AM-5:00PM) ALT. Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



B.G.
12/10/2007.



XUAN M. THAI
SUPERVISORY PATENT EXAMINER